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CRIMINAL DOCKET

UNITED STATES DISTRICT COURT

THE UNITED STATES

vs.

SAMUEL BRONSTON

DATE	PROCEEDINGS
10- 2-69	Filed indictment.
10- 7-69	* * * Deft. appears voluntarily. Pleads NOT GUILTY, * * *. COOPER, J.
11-10-69	Filed affdvt & notice of motion to dismiss counts 1 & 2 of the indictment * * *
11-25-69	SAMUEL BRONSTON—Motion to Dismiss argued DECISION RESERVED. Other motions held adjd to 12-23-69 (Judge FRANKEL has papers). FRANKEL, J.
1- 8-70	Filed memorandum * * * The motion to dismiss is denied * * * the foregoing embodies the Court's rulings. No further order need be settled. (mailed notice) FRANKEL, J.
1-27-71	Jury trial begun before TENNEY, J.
1-28-71	Trial Cont'd.
1-29-71	Trial Cont'd.

Relevant Docket Entries.

DATE	PROCEEDINGS
2- 1-71	Trial Cont'd.
2- 2-71	Trial Cont'd. and concluded—Jury verdict—GUILTY ct. 1 & NOT GUILTY on ct. 2. Deft. motion to set aside verdict on ct. 1, Dec. Res. P.S.I. Ordered, Sentence adjd. until 3-16-71. Bail fixed in the sum of $10,000. P.R.B. to be secured by depositing $1,000. cash with the clerk of Court, to be posted by 4 p.m. 2-3-71. To include continental limits of U.S. & Europe. TENNEY, J.
4-15-71	Filed notice of motion for judgment of acquittal (TENNEY, J.)
4-15-71	Filed Opinion #37545 by Tenney, J. * * * Deft's motions in all respects are denied. (see opinion) m/n TENNEY, J.
4-21-71	Filed Judgment (atty present) # It is adjudged that the imposition of prison sentence on count 1 is suspended. Deft. is placed on probation UNSUPERVISED for a period of SIX (6) MONTHS subject to the standing probation order of this Court. Deft is fined $2,000 on count 1 to be paid within the period of probation at such times and in such amounts as the probation officer may direct, or the deft. is to be committed until the fine is paid or he is otherwise discharged according to law. TENNEY, J.
4-23-71	Filed notice of appeal to the U.S. Court of Appeals.
1-12-72	Filed true copy of C.A. judgment and order with mandate attached affirming D.C. judgment.

Relevant Docket Entries.

GENERAL DOCKET

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

DATE	PROCEEDINGS
5- 4-71	Filed statement of docket entries and copy of notice of appeal (Bronston)
9-28-71	Argument heard (by: Lumbard, Mansfield and Oakes CJJ)
12-10-71	Judgment Affirmed, Oakes, CJ
12-10-71	Dissenting in separate opinion, Lumbard, CJ
12-10-71	Filed judgment
1-11-72	Issued Mandate (opinion & judgment)
2-10-72	Filed notice of filing of petition for writ of certiorari
4-24-72	Filed certified copy of order of Supreme Court granting petition for writ of certiorari

Indictment.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

[SAME TITLE]

The Grand Jury charges:

1. From on or about the 5th day of June, 1964, and continuing up to and including the 28th day of June, 1968, in the Southern District of New York, a proceeding was commenced in which a law of the United States authorizes an oath to be administered, to wit, an arrangement pursuant to Chapter XI of the National Bankruptcy Act (Title 11, United States Code, Sections 701-799), relating to Samuel Bronston Productions, Inc., debtor, of which Samuel Bronston, the defendant, was president and sole stockholder. As part of that proceeding an examination of Samuel Bronston, the defendant, was conducted pursuant to Section 21-a of the National Bankruptcy Act, Title 11, United States Code, Section 44, before the United States District Court (in Bankruptcy), the Hon. Edward J. Ryan, Referee, presiding, at the request of Pierre duPont, a claimant in the said proceeding.

2. It was material to the aforesaid proceeding to ascertain the location of and the existence of any assets of the aforesaid debtor corporation, and the existence and location of any bank accounts, domestic or foreign, wherein those assets might be found. It was also material to that proceeding to ascertain if Samuel Bronston, the defendant, had used any of the assets of the aforesaid corporation for his own personal advantage and had used or possessed

any bank accounts located in foreign countries, in which the debtor's assets might be located.

3. On or about the 10th day of June, 1966, in the Southern District of New York, Samuel Bronston, the defendant, having duly taken an oath before the competent tribunal described in paragraph "1" of this indictment, that he would testify truly, did unlawfully, wilfully, and knowingly, and contrary to such oath, with respect to the aforesaid material matter, make statements which he did not believe to be true, as follows:

Q. Do you have any bank accounts in Swiss banks, Mr. Bronston? A. No, sir.

Q. Have you ever? A. The company had an account there for about six months, in Zurich.

Q. Have you any nominees who have bank accounts in Swiss banks? A. No, sir.

Q. Have you ever? A. No, sir.

4. The aforesaid testimony of Samuel Bronston, the defendant, as he then and there well knew, was untrue in that he did have an account at the International Credit Bank of Geneva, located in Geneva, Switzerland, during the years 1959, 1960, 1961, 1962, 1963, and 1964.

(Title 18, United States Code, Section 1621)

SECOND COUNT

5. The Grand Jury repeats and realleges paragraph "1" herein of this indictment.

6. It was material to the proceeding described in paragraph "1" of this indictment to ascertain the location of and the existence of any assets of the aforesaid debtor corporation and whether any of those assets were in the

possession of Samuel Bronston, the defendant, and whether any assets of the debtor corporation had been used for the personal advantage of Samuel Bronston, the defendant.

7. On or about the 10th day of June, 1966, in the Southern District of New York, Samuel Bronston, the defendant, having duly taken an oath before the competent tribunal described in paragraph "1" above of this indictment, that he would testify truly, did unlawfully, wilfully, and knowingly, and contrary to such oath, with respect to the aforesaid material matter, make statements which he did not believe to be true as follows:

Q. Mr. Bronston, did S.B.P.I. make a film called Valley of the Fallen in 1962 or 1963? A. Yes, sir.

Q. Was that film completed? A. Yes, sir.

Q. On whose behalf was the film made? A. I don't understand your question, I'm sorry.

Q. Well, who owned the film? A. This film was made for the Spanish Government.

Q. For the Spanish Government? A. Yes, sir.

Q. Did it pay for it? A. No, this was our—

Q. Where is that film now, who has the negative? A. The Spanish Government.

Q. The Spanish Government? A. Yes, sir.

Q. What about a film called Sinfonia Espanola, was that made by Samuel Bronston Productions, Inc.? A. For the Spanish Government, sir, for the World's Fair.

Q. And who paid for it? A. Our company paid for it?

Q. Who has the negative to that film? A. Spanish Information Ministry.

Do you have any interest whatsoever in that film? A. No, sir.

Q. Have you been trying to sell it lately? A. I was trying to sell it for the Spanish Government.

Q. For the Spanish Government? A. Yes, sir.

Q. To whom were you trying to sell it? A. Well, we contacted Pan American, TWA, the carriers that operate in Spain.

Q. And you were trying to sell it to them as agent for the Spanish Government? A. Yes, sir.

Q. Did you have any interest whatsoever in the proceeds of any such sale? A. Well, I hoped that the proceeds will go to the Spanish creditors. And I'm still trying to sell it.

Q. You are quite clear, Mr. Bronston, that that sale was not on your account directly or indirectly? A. No, sir.

Q. And it was for the Spanish Government? A. Yes, sir.

Q. And the Spanish Government was to get the proceeds of the sale? A. Yes, sir. And the Minister of Information wrote a special letter to Mr. Tillinghouse, the president, and the reason why the deal didn't go through is because you stopped it, sir.

Q. Is that right? A. Yes, sir.

Q. In any event, that was the Spanish Government's property? A. Yes, sir.

* * * * *

Q. How many films did you make for the Spanish Government? A. Four.

Q. Four? What was the fourth? A. Those are documentary. You have the Valley of the Fallen, Sinfonia, Camino Real, and another 17-minute film on the Spanish economy.

Q. And you were paid nothing by the Spanish Government for these, and you have no interest in them? A. No, we were not paid. We have no interest. But the Spanish Government repaid it indirectly in many ways.

* * * * *

Q. Let me return briefly to the Spanish Symphony, that motion picture that you said you were trying to sell to TWA. A. Yes, sir.

Q. Was part of the purchase price that they forgive some traveling expenses for you and your family which you owed to TWA? A. No, sir.

Q. That was not to be part of the purchase price, is that right? A. The company owes money to TWA, not myself.

Q. What does the company owe money to TWA for? A. For transportation.

Q. For whom? A. Samuel Bronston Productions.

Q. Well, who traveled, you? A. The books would reveal—maybe I traveled, too.

Q. Your wife? A. My wife always travels with me. This was my understanding with Mr. duPont. Wherever I go, my wife goes with me.

Q. And the company pays for her travel, too? A. Yes, sir.

Q. Do you have any children? A. Yes.

Q. Do they travel with you, too? A. Sometimes, and I pay for it.

Q. Are their travel expenses also included in the bill to TWA? A. I don't know.

Q. Did the company pay it— A. I doubt very much.

Q. Did the company pay the traveling expenses of your children? A. If the company paid, they advanced for my account.

Q. And was that likewise paid back by deducting from your salary? A. Yes, sir.

8. The aforesaid testimony of Samuel Bronston, the defendant, as he then and there well knew, was untrue in that the Spanish Government did not own the aforesaid

film "Sinfonia Espanola" and Samuel Bronston, the defendant, and companies in which he had an interest did own and have an interest in the said film.

(Title 18, United States Code, Section 1621)

ROBERT M. MORGENTHAU
United States Attorney

WILLIAM DEAN THEALL
Foreman

10/2/69

Warrant of court ordered. Murphy, J.

Oct 7th 1969, Bench Warrant vacated. Deft. appears voluntarily. Pleads not guilty. Adj. to 11/13/69 for motion. Deft. Ordered fingerprinted—Released custody of his atty.

COOPER, J.

Opinion of the United States Court of Appeals for the Second Circuit included on pages 1-15 of the printed Appendix to the Petition for a Writ of Certiorari.

United States Court of Appeals

FOR THE

SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Courthouse in the City of New York, on the tenth day of December one thousand nine hundred and seventy-one.

Present: Hon. J. Edward Lumbard
Hon. Walter R. Mansfield
Hon. James L. Oakes
Circuit Judges.

The United States of America

Plaintiff-Appellee,

v.

Samuel Bronston,

Defendant-Appellant.

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel.

On Consideration Whereof, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is affirmed.

A. Daniel Fusaro
Clerk

Supreme Court of the United States

No. 71-1011 xxOctoberTermxxx

Samuel Bronston,

Petitioner,

v.

United States

ORDER ALLOWING CERTIORARI. Filed April 17, ---------- , 1972.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Second ---------- Circuit is granted.